

II. Remarks

Claims 1-14 and 16-20 were pending in this application and have been rejected. The present amendment amends claims 1, 4, 7, 10 and 17 to correct minor typographical errors and to more particularly point out and clarify Applicants' invention. No new matter has been added. After this amendment, claims 1-14 and 16-20 will be pending.

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Claim Objections:

Claim 17 has been amended as suggested by the Examiner by replacing "fasted" with "fastened". Accordingly, Applicants believe that the amendment to claim 17 has cured the objection.

Rejection under 35 U.S.C. § 112

Claims 1-14 and 16-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 1-14 and 16-20 are traversed.

Claims 1 and 7 have been amended to recite that the torque generated by the first torque generating system is set lower than the torque generated by the second

torque generating system when each are correspondingly transmitted to the spindle. The torque generated by the first torque generating system corresponding to the preset torque setting is capable of restricting a passenger seated in a seat without causing a substantial passenger's oppressive sensation caused by a fastened condition of the seat belt. These amendments were in response to the objections that the language of claims 1 and 7 were unclear because "the ordinary torque generating components (spring and motor) disclosed would produce varying torques during operation, the motor producing no winding torque when off", and "the term 'reduce' implies a comparison and it is not set forth relative to what the oppressive sensation is reduced". Applicants believe the amendments to claims 1 and 7 have clarified the claims and therefore, cured the respective objections.

Rejections under 35 U.S.C. § 103

Claims 1-4, 16 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication Number 2002/0189880 issued to Tanaka, et al. ("Tanaka") in view of U.S. Patent Number 6,499,554 issued to Yano, et al. ("Yano"). In view of the amendments and remarks contained herein, Applicants respectfully submits that the rejection of claims 1-4, 16 and 20 is traversed.

Claim 1 has been further amended to recite that the torque generated by the first torque generating system is set at a predetermined level defining a preset torque setting that does not enable complete winding of the webbing by only the first torque generating system. Support for this amendment may be found in Applicants' application at paragraph [0097].

Tanaka discloses a seatbelt retractor 1 comprising a power-transmission gear mechanism 11 for transmitting power of a motor 10 (Examiner has indicated most analogous to Applicants' claimed second torque generating system), a reducer mechanism 12 for reducing the rotation of the motor 10 transmitted from the power-transmission gear mechanism 11 to a spool 4; a power-transmission route switching mechanism 13 for selectively switching between states that the power of the motor 10 is transmitted to the spool 4; and spring means 14 (Examiner has indicated most analogous to Applicants' claimed first torque generating system) for urging the spool 4 in a winding direction for winding a seatbelt webbing. *Tanaka* at paragraph [0009].

The rotational speed V_S of winding of the seatbelt webbing by the spring means 14 is set to be larger than a rotational speed V_M of winding of the seatbelt webbing by the motor 10 ($V_S > V_M$). The spring means 14 inherently has a spring force which generates a torque to produce the rotational speed V_S . Accordingly, since the rotational speed V_S is set (i.e. that is initially established at a predetermined level), the spring force and the corresponding torque generated from the spring means 14 are also set or initially established at a predetermined level to generate the set rotational speed V_S . As shown in Figure 6, when a tongue is removed from a buckle in wearing the seatbelt webbing 3, the seatbelt webbing is mechanically wound about the spool 4 by the urging force of the return spring 54 of the spring means 14. When the spring means 14 is normal (e.g. without deterioration due to aging or the like), the belt winding operation is normal as indicated by a solid line in Figure 6 and "the entire amount of the seatbelt webbing is directly wound by the spring means 14 (the entire amount of the seatbelt webbing is

stored by the spring means 14)". Accordingly, when the spring means 14 is normal the spring means 14 functions as set or initially established to produce the predetermined level of torque to achieve the set rotational speed V_s , thereby winding the entire amount of the seat belt webbing.

When the belt winding operation of the spring means 14 is not normal (e.g. deteriorated due to aging, etc.), and it is difficult to wind the entire amount of the seatbelt webbing, the entire amount of the seatbelt webbing, as indicated by a projected line in Figure 6, is wound by the power of the motor 10. Accordingly, when the spring means 14 is not normal the spring means 14 functions inferiorly different than as set or initially established at the predetermined torque producing level, and only then is it difficult to wind the entire amount of the seatbelt webbing. *Id.* at paragraphs [0038]-[0040] and [0060]-[0064]. This is unlike Applicants' claimed invention where the first torque generating system is set at a predetermined level defining a preset torque setting that does not enable complete winding of the webbing by only the first torque generating system.

With regard to the Examiners' comments that Tanaka specifically discloses a spring that is not capable of fully winding the seatbelt webbing as indicated in dashed line in Figure 6 (Office Action at page 11), this is for a "not normal" or deteriorated spring means 14 only, and is not for a "normal" spring means 14 which is set or initially established at a predetermined torque producing level to achieve the set rotational speed V_s . The "not normal" spring means 14 is not set to any specific torque level but rather deteriorates from the set torque level of the "normal" spring

means 14 and accordingly, is not analogous to Applicants claimed "first torque generating system being set at a predetermined level defining a preset torque setting".

Additionally and as noted by the Examiner, Tanaka fails to disclose that the retractor includes a spindle locking system and thus, the Examiner depends on Yano for the disclosure of the locking system. Office action at page 5. Yano, however, discloses a seat belt retractor including a motor but fails to disclose a spring that is set at a predetermined level defining a preset torque setting that does not enable complete winding of the webbing by only the spring. *Yano* at Abstract. Thus, neither Tanaka nor Yano independently or in combination disclose, teach or suggest the present invention recited in claim 1. More specifically, neither Tanaka nor Yano disclose, teach or suggest that a torque generated by a first torque generating system is set at a predetermined level defining a preset torque setting that does not enable complete winding of the webbing by only the first torque generating system. In that both Tanaka and Yano lack the noted elements of claim 1, the rejections based thereon should be withdrawn. Accordingly, Applicants' believe that claim 1 and its dependent claims 2-4, 16 and 20 are in a condition for allowance.

Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of Yano and further in view of U.S. Publication Number 2003/0201359 issued to Peter ("Peter"). In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 5 and 6 are traversed.

Since claims 5 and 6 depend from claim 1 and since Peter fails to disclose a torque generated by a first torque generating system is set at a predetermined level

defining a preset torque setting that does not enable complete winding of the webbing by only the first torque generating system, the combination of Tanaka, Yano and Peter cannot render the claims as obvious. Accordingly, Applicants believe that claims 5 and 6 are in a condition for allowance.

Claims 7-13 and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka, in view of Yano and U.S. Patent Number 6,427,935 issued to Fujii, et al. ("Fujii"). In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 7-13 and 18-19 are traversed.

Claim 7 has been amended to recite that the torque generated by the first torque generating system is set at a predetermined level defining a preset torque setting that does not enable complete winding of the webbing by only the first torque generating system.

As discussed in the forgoing paragraphs, neither Tanaka nor Yano independently or in combination, disclose, teach or suggest a torque generated by a first torque generating system is set at a predetermined level defining a preset torque setting that does not enable complete winding of the webbing by only the first torque generating system. Moreover, these recited limitations of Applicants' present invention are also not disclosed by Fujii. Accordingly, Applicants believe that claim 7 and its dependent claims 8-13 and 18-19 are in a condition for allowance.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of Yano and Fujii, and further in view of U.S. Patent Number 6,485,057 issued to Midorikawa, et al. ("Midorikawa"). In view of the amendments

and remarks contained herein, Applicants respectfully submit that the rejection of claim 14 is traversed.

Since claim 14 depends from claim 7 and since Midorikawa fails to disclose a first torque generating system is set at a predetermined level defining a preset torque setting that does not enable complete winding of the webbing by only the first torque generating system, the combination of Tanaka, Yano, Fujii and Midorikawa cannot render the claim as obvious. Accordingly, Applicants believe that claim 14 is in a condition for allowance.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of Yano and further in view of Midorikawa. In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejection of claim 17 is traversed.

Since claim 17 depends from claim 1 and since Midorikawa fails to disclose a first torque generating system is set at a predetermined level defining a preset torque setting that does not enable complete winding of the webbing by only the first torque generating system, the combination of Tanaka, Yano, and Midorikawa cannot render the claim as obvious. Accordingly, Applicants believe that claim 17 is in a condition for allowance.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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